

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-1293

September Term, 2024

MSHR-LAKE2021-0160

Filed On: December 19, 2024

Secretary of Labor, Mine Safety and Health
Administration,

Petitioner

v.

Knight Hawk Coal, LLC and Federal Mine
Safety and Health Review Commission,

Respondents

No. 24-1294

MSHR-LAKE2021-0145

MSHR-SE2021-0112

MSHR-SE2021-0134

MSHR-WEVA2021-0294

MSHR-YORK2021-0023

Secretary of Labor, Mine Safety and Health
Administration,

Petitioner

v.

Crimson Oak Grove Resources LLC, et al.,

Respondents

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-1293

September Term, 2024

BEFORE: Katsas, Childs, and Garcia, Circuit Judges

ORDER

Upon consideration of the entire record in these cases, it is

ORDERED that, within 30 days of the date of this order, the parties (1) show cause why these cases should not be dismissed for lack of jurisdiction, see 30 U.S.C. § 816(b) (stating that the Secretary of Labor may obtain review “of any final order” of the Federal Mine Safety and Health Review Commission by filing a petition for review in the appropriate court), and (2) address whether, if the court has jurisdiction, respondent Federal Mine Safety and Health Review Commission should be permitted or required to file a brief and participate in any oral argument in each case, given the apparent lack of adversity between petitioner and the private-party respondents in these cases, cf. Oil, Chemical and Atomic Workers International Union v. Occupational Safety and Health Review Commission, 671 F.2d 643, 651-53 (D.C. Cir. 1982) (per curiam) (noting that sufficient adversity existed between remaining parties in holding that agency with a purely adjudicative role could not participate as an active party in case seeking review of agency’s order); Hinson v. NTSB, 57 F.3d 1144, 1147 n.1 (D.C. Cir. 1995) (same), and the Commission’s power to reject proposed settlements under 30 U.S.C. § 820(k). The parties must also address how the court should proceed if the Commission does not participate in these cases. In complying with this order, the Commission may, but need not, join in the response filed by the Secretary of Labor. The responses to the order to show cause may not exceed 5,200 words.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Elbert B.J. Lestrade
Deputy Clerk